

Could you clarify your intent in this area?

Mr. JEFFORDS. Enforcement authority is not covered by the preemption provision of the bill, so a State's embargo and other enforcement authority would not be affected.

Mrs. FEINSTEIN. For nonprescription drugs, California law requires comprehensive and annual inspections of manufacturers. Federal law requires limited inspections on no timetable. DHS maintains that the "State's requirements for drug manufacturer licensing and the annual inspections may be considered a requirement in addition to the Federal requirement."

What is the chairman's intent in this bill, as it addresses licensing and inspections by States?

Mr. JEFFORDS. As I said previously enforcement authority is not covered by the national uniformity provisions. Thus, drug manufacturer licensing and inspection in the States would not be affected.

Mrs. FEINSTEIN. My State has expressed concerns about advertising, saying that State law has advertising restrictions, that is prohibition on false and misleading advertisement, advertising of unproven remedies, that may be preempted. Could you elaborate on the bill's intent in the drug advertising area?

Mr. JEFFORDS. The national uniformity provisions would not affect traditional drug advertising laws because this bill does not address the authority of the Federal Trade Commission Act. State laws that prohibit false and misleading advertising or to prohibit unsubstantiated claims for non-prescription drugs, for example, would not be affected. Traditional advertising issues relating to claims substantiation, fair balanced and truth are outside the scope of national uniformity.

Mrs. FEINSTEIN. I thank my colleague. I hope that this discussion will clarify the true intent of the authors of this bill and provide some clarification of the State's authority to protect the public health under this bill.

VOTE ON AMENDMENT NO. 1130, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the committee substitute, No. 1130, as modified. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—98

Abraham	Bryan	Craig
Akaka	Bumpers	D'Amato
Allard	Burns	Daschle
Ashcroft	Byrd	DeWine
Baucus	Campbell	Dodd
Bennett	Chafee	Domenici
Biden	Cleland	Dorgan
Bingaman	Coats	Durbin
Bond	Cochran	Enzi
Boxer	Collins	Faircloth
Breaux	Conrad	Feingold
Brownback	Coverdell	Feinstein

Ford	Kerrey	Robb
Frist	Kerry	Roberts
Glenn	Kohl	Rockefeller
Gorton	Kyl	Roth
Graham	Landrieu	Santorum
Gramm	Lautenberg	Sarbanes
Grams	Leahy	Sessions
Grassley	Levin	Shelby
Gregg	Lieberman	Smith (NH)
Hagel	Lott	Smith (OR)
Harkin	Lugar	Snowe
Hatch	Mack	Specter
Helms	McCain	Stevens
Hollings	McConnell	Thomas
Hutchinson	Mikulski	Thompson
Hutchison	Moseley-Braun	Thurmond
Inhofe	Moynihan	Torricelli
Inouye	Murkowski	Warner
Jeffords	Murray	Wellstone
Johnson	Nickles	Wyden
Kempthorne	Reid	

NAYS—2

Kennedy

Reed

The amendment (No. 1130), as modified, was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the scheduled cloture vote be vitiated with the previous debate limitation still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of the earlier consent with respect to debate time on the FDA bill—I believe Senator JEFFORDS got the unanimous-consent request agreed to a few moments ago—there will be no further votes this evening. The Senate will begin, now, up to 4 hours of debate on the FDA bill. The concluding 4 hours of debate will begin at 12 noon on Wednesday. Therefore, final passage will occur at approximately 3:45 on Wednesday, of the Food and Drug Administration reform bill.

I guess I should put that in the form of a request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, I ask unanimous consent the majority leader, after notification of the Democratic leader, must turn to S. 25, the McCain-Feingold campaign finance reform bill, prior to the close of the first session of the 105th Congress, and Senator MCCAIN will immediately be recognized, then, to modify the bill, and it be in order that the majority leader immediately offer an amendment relative to campaign finances. I further ask unanimous consent that it not be in order for any Senator to offer any legislation regarding campaign finances prior to the initiation of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, this is the same unanimous-consent request propounded last Friday. The difference is that I have now had the opportunity to consult with my colleagues, and also to consult with the President and those in the White House who have a great deal of interest in our progress on this legislation.

The President has just sent Senator LOTT and me a letter, indicating his desire to either keep us here or bring us back if we are not sufficiently successful in meeting the goals that we have all indicated we share with regard to the completion of the work on the McCain-Feingold bill.

Given his assurances that he will call us back or keep us here—and I certainly hope that that is not necessary because I think there is plenty of opportunity for us throughout the month of October to bring this legislation to the floor and have a good debate—we certainly would not object.

As I indicated on Friday, I had two concerns, one, that we would run out of time and, two, that I had not had the opportunity to discuss this matter, and we were precluded from offering the amendment to any other legislation in the event that we would have run out of time. Now there is no concern for running out of time because the President will see to it that we have whatever length of time we need to complete our work.

So Mr. President, I am very pleased that we have been able to make this progress, and we have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I ask unanimous consent that the letter sent to me by the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 23, 1997.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Senators McCain and Feingold have pledged to bring their campaign reform legislation to a vote. When that happens, the American people will be watching. I encourage you to act responsibly and support passage of this long-overdue, bipartisan legislation.

This measure is of the utmost importance, and it deserves full consideration on the Senate floor. If any attempt is made to bring this bill up in a manner that would preclude sufficient time for debate, I will call on Congress to stay in session until all of the critical elements are fully considered.

There is a real need for reform. The amount raised by both political parties is doubling every four years. And as candidates are forced to spend ever greater amounts of time raising every larger amounts of money,